

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

MARY JANE JACKSON,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
NAPLETON ST. LOUIS)	
IMPORTS, LLC d/b/a NAPLETON)	Jury Trial Demanded
ST. LOUIS NISSAN,)	
)	
Defendant.)	

COMPLAINT

COMES NOW Plaintiff, by and through undersigned counsel, and for her Complaint, states as follows:

1. Plaintiff is an individual residing in St. Louis County, State of Missouri.
(hereinafter "Plaintiff").

2. Napleton St. Louis Imports, LLC d/b/a Napleton St. Louis Nissan
(hereinafter "Defendant") is an Illinois limited liability company registered with the State of Missouri Secretary of State and doing business in St. Louis County, State of Missouri, as Napleton St. Louis Nissan at a facility located at 10964 Page Ave., St. Louis, Missouri 63132 where Plaintiff was located for the duration of Plaintiff's employment with Defendant.

3. Plaintiff filed a charge with the Equal Employment Opportunity Commission ("EEOC") on June 21, 2021 against Defendant alleging age discrimination. The EEOC issued its "Right to Sue" letter on September 30, 2022. A true and correct copy of Plaintiff's EEOC charge is attached hereto as Exhibit A, *See Exhibit A attached hereto.*

4. This action is based on the EEOC charge attached hereto as Exhibit A provided pursuant to 42 USC 2000e, et. seq., known as The Civil Rights Act of 1964. This Court has original jurisdiction over this matter pursuant to 42 USC 2000e, et. seq. and 28 USC 1331. *See Exhibit A attached hereto.*

5. 42 USC 2000e-5(f)3 provides this action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in this case St. Louis County, State of Missouri, located in the Eastern District of Missouri.

6. Defendant operates a facility in St. Louis County, State of Missouri where Plaintiff was employed.

7. Plaintiff, 62, is a female formerly employed by Defendant.

8. Plaintiff was the subject of ongoing and continuous age discrimination by Defendant.

9. Plaintiff interviewed with Defendant to work in accounts payable or as a title clerk and was hired by Defendant on, or about, March 1, 2021 to work in accounts payable and, subsequently, as a title clerk.

10. In continuous and ongoing fashion, certain employees of Defendant, including Plaintiff's supervisors, soon thereafter were overly harsh, critical, and unjustified in their negative and derogatory assessment of Plaintiff's older age in connection with her jobs in accounts payable and as a title clerk.

11. Because of Plaintiff's older age, Plaintiff was assigned to a less desirable cashier position when Defendant replaced Plaintiff with a substantially younger woman as a title clerk.

12. Because of Plaintiff's older age, Defendant then illegally and improperly tried to force Plaintiff to transfer to another less desirable cashier related job she did not want at another Hyundai dealership owned by Defendant.

13. Plaintiff's supervisor employed with Defendant told Plaintiff that she was being transferred to the Hyundai dealership solely because of her older age, and that Defendant preferred younger people at the Nissan dealer.

14. Plaintiff was over 60 years of age at the time of this discriminatory treatment by Defendant and was clearly older than almost every other employee known to Plaintiff.

15. Based on comments and actions regarding Plaintiff's age, Plaintiff was clearly the target of continuous and ongoing negative behaviors because of age discrimination by Defendant and its employees and supervisors. Plaintiff was denied the opportunity for employment advancement in her chosen occupation because of age discrimination by Defendant and its employees and supervisors.

16. Because of the continuous and ongoing wrongful age discrimination conduct by Defendant and its employees and supervisors Plaintiff was forced to endure for several months up to May 13, 2021, Plaintiff was forced to quit her employment and was wrongfully and illegally and constructively discharged on May 13, 2021.

17. As a result of Defendant's conduct, Plaintiff has suffered emotional trauma and harm and other damages in violation of 42 USC 2000e, et. seq. and is entitled to relief under 42 USC 2000e, et. seq.

WHEREFORE, Plaintiff prays that this Honorable Court find in favor of Plaintiff and against Defendant in the amount of at least \$1,000,000.00, plus punitive damages in the amount of at least \$1,000,000.00, attorney's fees as appropriate and other relief as is just and equitable.

Respectfully submitted,

/s/ J. Christopher Wehrle

James Christopher Wehrle, #45592MO

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CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC			
_____ State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mary Jane Jackson ("Charging Party" or "CP")		Home Phone (Incl. Area Code) 618-615-2927	Date of Birth 11/02/60
Street Address _____ City, State and ZIP Code 2931 Bienvenido, Apt. 2, St. Louis, MO 63125			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Napleton Nissan ("Employer")		No. Employees, Members 40 (Est.)	Phone No. (Include Area Code) 573-581-8202
Street Address _____ City, State and ZIP Code 10964 Page Ave., St. Louis, MO 63132			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address _____ City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest March 1, 2021 May 13, 2021 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): CP was hired on, or about, March 1, 2021 to work in accounts payable. CP was then assigned to work as a title clerk. CP was then assigned as a cashier because Employer replaced CP with a younger woman for the position of title clerk. On, or about, May 11, 2021, Employer asked CP to relocate to the Napleton Hyundai dealer in Hazelwood, Missouri. Employer did not know where at the Hyundai dealer CP would be assigned. CP asked her supervisor at Napleton Nissan where she would be working at the Hyundai dealer. Employer gave CP a contact name at the Hyundai dealer to whom she would report at the Hyundai dealer. Employer told CP that she would a "swing shift" cashier at the Hyundai dealer. Co-workers of CP at the Nissan dealer told CP that she would like the Hyundai dealer because it has an "older crowd" in the office. Because of Employer's discrimination against CP because of her age, CP left Employer on, or about, May 13, 2021. Cashier is not what CP interviewed or hired on to do with Employer. CP hired on to Employer to work in accounts payable or as a title clerk. CP was bumped from title clerk to cashier at another dealer because the title clerk job at Employer was given to a person about 40 years younger than CP. Employer told CP that CP was being moved to Hyundai solely because of her older age, that Employer preferred younger people. CP was removed from title clerk solely because of her older age. CP clearly suffered age discrimination and has been damaged because of this conduct by Employer.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Jun 21, 2021 _____ Date		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
_____ Charging Party Signature			